WPMS No. 994 of 2003

Hon'ble P.C. Verma, J.

Heard Sri Alok Singh learned counsel for the petitioner and learned Standing Counsel for the respondent.

This writ petition arises out of the proceedings in Civil Suit No. 741 of 1999 M/s. Amita Electronics Vs. News Television India initially instituted in the court of Civil Judge (Sr. Div.), Dehradun.

The grievances of the petitioner is that the application under Order-7 Rule-11 of the Code of Civil Procedure has been rejected and the revision filed by the defendant against the order passed in application under Order-7 Rule- 11 C.P.C. has also been dismissed. Therefore, the preliminary objection raised by the petitioner before the trial court, that the suit is not maintainable, has not been decided. This ground has been raised by the defendant in written statement filed in the trial court.

If the aforesaid fact is correct that the defendant has taken the plea that the suit is not maintainable, the trial court shall frame issue to this effect and decide the same at the conclusion of the suit.

The trial court is directed to conclude the suit within a period of six months.

With this observation, the writ petition is disposed of.

(P.C. Verma, J.)

08.10.2003:
NCM: